

AMENDED IN SENATE MARCH 31, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 93

Introduced by Senator Florez

(Principal coauthor: Assembly Member Maze)

(Coauthor: Senator Ashburn)

(Coauthors: Assembly Members Arambula, Parra, and Villines)

January 14, 2005

An act relating to local government finance.

LEGISLATIVE COUNSEL'S DIGEST

SB 93, as amended, Florez. Local government finance: Tulare County.

Existing law requires counties to distribute various fines, fees, forfeitures, and penalties according to prescribed schedules in each fiscal year.

This bill would provide for repayment over 10 years by the County of Tulare of the amounts it owes to the Trial Court Trust Fund and the Trial Court Improvement Fund due to the incorrect distribution of fines, fees, forfeitures, and penalties made by the County of Tulare in the 1996–97 to 1999–2000 fiscal years, inclusive.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) Notwithstanding any other provision of law,
- 2 the County of Tulare may have 10 years from the date of
- 3 enactment of this section to repay the amounts it owes to the
- 4 Trial Court Trust Fund and the Trial Court Improvement Fund

1 due to the incorrect distributions of fines, fees, forfeitures, and
2 penalties by the County of Tulare for the 1996–97 to 1999–2000
3 fiscal years, inclusive. *Notwithstanding subdivision (i) of Section*
4 *68085 of the Government Code, the interest and penalties*
5 *imposed by the state on the principal amounts owed by Tulare*
6 *County, as specified in subdivision (a), shall not exceed the*
7 *average interest rate charged on loans by the Pooled Money*
8 *Investment Board, pursuant to Section 16495.5 of the*
9 *Government Code, during the period from January 1, 2001, to*
10 *January 1, 2005.*

11 (b) With respect to subdivision (a), the Legislature finds and
12 declares that a special law is necessary and that a general law
13 cannot be made applicable within the meaning of Section 16 of
14 Article IV of the California Constitution because of unique
15 circumstances applicable to the County of Tulare. The County of
16 Tulare made distributions of fines, fees, forfeitures, and penalties
17 to the state for the 1996–97 to 1999–2000 fiscal years, inclusive,
18 in good faith and reasonable belief that its methods of
19 distribution of fines complied with all applicable statutes and
20 these methods were not audited or reviewed by either the
21 Department of Finance or the Controller until the end of the
22 1999–2000 fiscal year.